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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91181143
Party	Defendant MBL/TIGI PRODUCTS, LP
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Submission	Motion to Amend Application
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Attachments	Motion to Amend Application.PDF (3 pages)(106591 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE
TRADEMARK TRIAL AND APPEAL BOARD

Renee Claire Inc.
Opposer,

v.

MBL/TIGI PRODUCTS, LP
Applicant.

)
)
) Opposition No. 91181143
) Serial No. 78927189
) Mark: **BODY BY BED HEAD**
)
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APPLICANT'S MOTION TO AMEND APPLICATION

Applicant by and through its undersigned attorneys hereby moves the Board to delete the following goods in the application which is the subject of this proceeding: “briefs”, “night shirts”, “boxer shorts”, “lingerie”, “loungewear”, “negligees”, “night gowns”, “pajamas”, “robes”, “sleepwear”, “slips” and “slippers”. If Applicant’s motion is granted, the restricted listing of goods will be as follows:

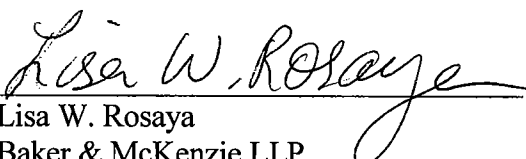
Infant, children and adult clothing, namely, anklets, anoraks, aprons, athletic uniforms, baby booties, baby bunting, baby rompers, baby sleepers, bandannas, cloth bibs, sweat bands, wrist bands, bathing suits, bathing trunks, beach cover-ups, beachwear, belts, blazers, blouses, brassieres, cheerleader outfits, cloth diapers, coats, leather coats, rain coats, sport coats, waistcoats, jackets, leather jackets, coveralls, fleece coveralls, infant coveralls, infant wear, dresses, dungarees, ear muffs, foul weather gear, gloves, shirts, golf shirts, knit shirts, polo shirts, rugby shirts, sport shirts, sweatshirts, t-shirts, tops, halter tops, tank tops, shorts, gym shorts, sweat shorts, hosiery, jumpers, jumpsuits, leg warmers, mittens, negligees, neck bands, neckerchiefs, neckwear, pants, lap pants, balloon pants, pantsuits, slacks, ski pants, snow pants, sweat pants, panties, parkas, ponchos, rainwear, scarves, shower caps, ski wear, skirts, smocks, socks, sweat socks, thermal socks, stockings, suits, body suits, gym suits, jogging suits, fleece jogging suits, play suits, sun suits, sweat suits, tracksuits, vested suits, warm-up suits, wind suits, suspenders, sweaters, turtleneck sweaters, v-neck sweaters, swim wear, swim trunks, swimsuits, teddies,

tennis wear, ties, bow ties, neck ties, tights, trousers, turtlenecks, tuxedos, underpants, undershirts, underwear, thermal underwear, veils, vests, fishing waders; footwear, namely, shoes, clogs, golf shoes, thongs, sneakers; headwear, namely, berets, caps, baseball caps, bathing caps, hats, head bands, visors, sun visors; costumes, namely, Halloween costumes, masquerade costumes, swimming costumes; and uniforms.

The Board's granting of this motion will support Applicant's affirmative defense of ownership of prior trademark registrations for substantially similar marks for substantially similar goods. *See Morehouse Manufacturing Corp. v. J. Strickland and Co.*, 407 F.2d 881, 160 USPQ 715 (CCPA 1969). Accordingly, there would then be no likelihood of confusion between Opposer's and Applicant's marks and this proceeding would be moot.

For the reasons set forth above, Applicant respectfully requests that this Motion be GRANTED

Respectfully submitted,

By: 
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Date: January 4, 2010

Attorneys for Applicant

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing **APPLICANT'S MOTION TO AMEND APPLICATION** was served via First class mail on attorney for Applicant, Angela C. Agrusa, Esq., Liner Grode Stein Yankelevitz Sunshine Regenstreif & Taylor LLP, 1100 Glendon Avenue, 14th Floor, Los Angeles, CA 90024-3503 on this 4th day of January, 2010.

A handwritten signature in black ink, appearing to read 'Amelia J. Hochman', written over a horizontal line.

Amelia J. Hochman